

Notice of Allowability

Application No.

09/981,751

Examiner

Vickie Kim

Applicant(s)

BRETON ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner's amendment requested on 7/15/04 and terminal disclaimer filed 7/15/04.
2. ☒ The allowed claim(s) is/are 1,24-33 and 35-42.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/572,234.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Vickie Kim
Primary Examiner
Art Unit: 1614

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Norman Stepno on July 15, 2004.

2. The application has been amended as follows:

- a. Cancel claims 4 and 34.
- b. In claim 1, lines 2-3, delete the phrase [to loosen and/or relax cutaneous and/or subcutaneous human skin tissue] right after "relaxation".
- c. In claim 1, line 5, insert the phrase --- being located at cutaneous or subcutaneous skin tissue---, right after "calcium channel".
- d. In claim 25, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.
- e. In claim 25, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.
- f. In claim 26, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.
- g. In claim 27, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 5, replace [or] with --- and --.
- h. In claim 28, line 2, replace [comprises] with -- is --.

i. In claim 29, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 4, replace [or] with --- and --.

j. In claim 30, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 4, replace [or] with --- and --.

k. Rewrite claim 32 as following:

-- 32. (currently amended) A regime or regimen for causing contractile fiber decontraction or relaxation, comprising administering to a candidate subject with signs of aging of the skin in need of such regime or regimen, a thus-effective amount of at least one inhibitor of at least one calcium channel and a keratolytic active agent, wherein said calcium channel is located at cutaneous or subcutaneous skin tissue. ---

l. In claim 35, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.

m. In claim 36, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.

n. In claim 37, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.

o. In claim 38, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 5, replace [or] with --- and --.

p. In claim 39, line 2, replace [comprises] with -- is --.

q. In claim 40, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.

r. In claim 41, line 2, replace [comprises] with -- is selected from the group consisting of -- ; and in line 3, replace [or] with --- and --.

Conclusion

3. This application is in condition for allowance.

All the pending claims 1, 24-33, 35-42 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickie Kim whose telephone number is 571-272-0579.

The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571-272-0953. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VICKIE KIM
PRIMARY EXAMINER

Vickie Kim
Primary Patent Examiner
July 15, 2004
Art unit 1614